

REMARKS

Claims 1-24 were examined and reported in the Office Action. Claims 1-6 are rejected. Claim 1 is amended. Claims 1-24 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 103(a)

It is asserted in the Office Action that claims 1-6 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 6,363,357 issued to Rosenberg et al. ("Rosenberg"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." "*All words in a claim must be considered in judging the patentability of that claim against the prior art.*" (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's amended claim 1 contains the limitations of

registering with a client and a service with a broker; and transmitting, to said broker, at least one attribute by each of the

client and the service tagged for comparison by an internet service provided comparison function, wherein the at least one attribute of the client differs in data type from the at least one attribute of the service, and when the at least one attribute of the client and the at least one attribute of the service have differing contexts, the comparison is made on a case-by-case basis.

Rosenberg discloses a method of selling a digital content product online where the digital content is reproduced a predetermined number of times. In Rosenberg, communication is established between a buyer computer and a broker computer so that the broker computer accounts for cost associated with a corporate rate and authorizes the buyer to purchase a predetermined number of copies of digital content by sending a product key to the buyer computer. Rosenberg, however, does not teach, disclose or suggest Applicant's amended claim 1 limitations of

at least one attribute by each of the client and the service tagged for comparison by an internet service provided comparison function, wherein the at least one attribute of the client differs in data type from the at least one attribute of the service, and when the at least one attribute of the client and the at least one attribute of the service have differing contexts, the comparison is made on a case-by-case basis.

Since Rosenberg does not teach, disclose or suggest all the limitations of Applicant's claim 1, as listed above, Applicant's claim 1 is not obvious over Rosenberg in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly or indirectly depend on claim 1, namely claims 2-6, are also not obvious over Rosenberg in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claim 1-6 is respectfully requested.

CONCLUSION

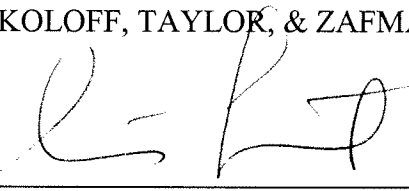
In view of the foregoing, it is submitted that claims 1-24 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

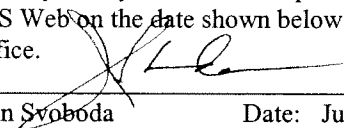
Dated: July 18, 2007

By: 
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jean Svoboda

Date: July 18, 2007